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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/036,991

12/31/2001

William E. Ryan JR.

F-424

5304

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7590

11/30/2006

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EXAMINER

JASTRZAB, KRISANNE MARIE

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 11/30/2006

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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101036991

EXAMINER

ART UNIT	PAPER
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11232005

DATE MAILED:

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Commissioner for Patents

This is a corrected Examiner's Answer in response to the Remand from the Board on 5/17/2006. Also attached is a copy of IDS filed 12/31/2001, crossed out as a duplicate of the IDS filed 1/29/2003 which was considered.

Krisanne Jastrzab
Primary Examiner
Art Unit: 1744



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/036,991
Filing Date: December 31, 2001
Appellant(s): RYAN ET AL.

William E. Ryan, Jr. et al.
For Appellant

EXAMINER'S ANSWER

MAILED
NOV 30 2006
GROUP 1700

This is in response to the appeal brief filed 9/5/2006 appealing from the Office action mailed 4/1/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,191,424	STIRLING et al.	2-2001
2002/0124664 A1	CALL et al.	9-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Call et al., US 2002/0124664 A1.

Call et al., teach a system for sorting and sanitizing mail pieces wherein the mail is singulated and fed via a conveyor through a detection station from where it can be conveyed through a sanitation section and/or is distributed according to an OCR reading. Call et al., further teach the provision of a filtered transition area on either side of the sanitation section as now present in the amended claims. See column 2, paragraph 0020, column 7, paragraphs 0100, 0108 and 0109, column 8 and column 9, paragraph 0118.

Claim Rejections - 35 USC § 103

Claims 4-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Call et al., as applied to claims 1-3 above, and further in view of Stirling et al., U.S. patent No. 6,191,424.

Stirling et al., teach a configuration for sterilizing irradiation of articles on a conveyance, wherein there is provided a pair of channels having a cavity therein and a gap therebetween. The gap contains UV radiation means and is the location where sterilization/disinfection occurs without disruption of the conveyance and without requiring user intervention. See the abstract and column 3.

Call et al., utilize conventional mail handling conveyance and Call et al, teaches that one form of sterilization is UV radiation. It would have been well within the purview of one of ordinary skill in the art to utilize a structure such as that taught in Stirling et al., for the sanitation station in Call et al., because it would provide for effective means to retrofit existing mail handling conveyances to provide effective decontamination without requiring user interaction.

(10) Response to Argument

This is in response to further arguments filed in the Brief of 9/5/2006.

Appellant argues that Call '664 is not available as a reference because support for the recited section of the published application, relied upon in the rejection of the claims, is not provided by provisional application 60/337,674 from which '664 depends, The Examiner, however, would disagree and point Appellant to page 11, lines 5-28 and

page 13 of that provisional application which directly correspond to the sections of '664 cited in the rejection of the claims. It is noted that Appellant alleges that the Examiner points to Fig.1 and reference numerals in the 900 and above range, however, this is not correct. Within the body of the rejection, the Examiner clearly points to column 2, paragraph 0020, column 7, paragraphs 0100, 0108 and 0109, column 8 and column 9, paragraph 0118 of Call '664. The Examiner does not refer to specific figure numbers, but is instead directing Appellant to the description written in the cited paragraphs. The Examiner would maintain that the subject matter described in those cited sections of '664 is set forth in the provisional application even though figure numbering is not included in the provisional application.

Appellant would further argue that Call '664 does not teach a "component for singulating and feeding a mailpiece along a feed path of the system", however, Call '664 clearly provides such structure as noted at page 8, lines 6-14 and 61-64 of the first column, which is fully supported in the provisional application for instance, at page 11, line 19 and page 15, lines 26-27 thereof.

Appellant also argues that Call '664 fails to teach a "filtered transition area" as recited in the claims, which the Examiner is interpreting to follow a reading of page 12 of Appellant's instant specification stating "appropriate filtration and sealing can be provided in transition area 43 of the feed path". Appellant further argues that Call '664 fails to find support for an output handler in a filtered clean room. The Examiner would maintain that Call '664 clearly teaches such filtered passage along the feed path between different handling areas including output handlers, namely at page 8,

paragraphs 0110, 0116, 0121, 0122 and 0127 which clearly teach HEPA filtered transition between handling areas and further teach association with conventional handling means such as output handling. Support for this is found within the provisional in Figs 1 and 2, clearly showing levels of HEPA filtration, as well as page 13, lines 11-26.

Finally, Appellant argues that the Examiner does not address the structural limitations regarding the sanitizer module set forth in claims 4 and 13 specifically, however, the Examiner would point Appellant to page 3 of the Final rejection, and as reiterated above, which clearly addresses those limitations. Stirling et al., teach a pair of channels formed by guide walls, and have a conveyance means, which is a transport belt, within each of the channels, with a gap between the two channels. The gap contains sanitizing UV radiation means.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Krisanne Jastrzab


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Conferees:

Roy King, Richard Crispino

